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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/193,750 11/17/98 SCHREITMUELLER

J 10005.914C

001034
HECKER & HARRIMAN
1925 CENTURY PARK EAST
SUITE 2300
LOS ANGELES CA 90067

LM02/0914

EXAMINER

BETTA, Y

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

09/14/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/193,750

Applicant(s)

Schreitmüller et al.

Examiner

Yehdega Retta

Group Art Unit

2764



☒ Responsive to communication(s) filed on Nov 17, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) 2, 5, 6, 8-10, and 12-14 is/are withdrawn from consideration.

☒ Claim(s) 21-31 is/are allowed.

☒ Claim(s) 1, 3, 4, 7, 11, 15-20, and 32-37 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,839,112. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious variations of each other.

3. As per claim 1 of the application, displaying a plurality of types of identifiers representing vehicle parts; selecting an identifier from plurality of types of identifiers by selecting a vehicle parts; and obtaining an estimate of damage to a vehicle upon said selected vehicle part (see claim 1, col. 17 lines 11-17).

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4. Claims 3, 4, 7, 11 and 15-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,839,112 to Schreitmüller et al. in view of Montagna et al. U.S. Patent No. 4,899,292.

5. As per claims 3, 4, 7, 11 and 15-20, Schreitmüller et al. does not specifically claim the use of identifiers as a textual list, graphics icons, and hot spots. However, Montagna et al. disclose textual list, graphics icons and hot spots (see fig. 13-15). It would have been obvious to ordinary skill in the art at the time of the invention to include textual list, graphics icons and hot spots, which are commonly used features in the art of graphic display, in order to make the system user friendly.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 32-37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Montagna et al. U.S. Patent No. 4,899,292.

8. As per claim 32, Montagna et al. disclose displaying a graphical representation of at least one vehicle part; associating at least one selection point with the graphical representation of the vehicle part (see col. 3 lines 37-45); selecting vehicle parts by selecting selection point (see

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fig. 14) and obtaining an estimate of damage to a vehicle based upon selected part (see col. 5 lines 49-62).

9. As per claim 33-37, Montagna et al. disclose automobile, graphic icon, graphic icon comprising an image of a vehicle, hot spot, and hot spot comprising a symbol associated with vehicle parts (see fig. 14 and 15).

Allowable Subject Matter

10. Claims 21-31 are allowed.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen et al. U.S. Patent No. 5,504,674, insurance claims estimate text and graphics network and method.

Carbone et al. U.S. Patent No. 5,128,859, electronic accident estimating system.

Wong U.S. Patent No. 5,432,904, auto repair estimate, text and graphic system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on Monday to Friday from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

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Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

OR:

(703)308-5357 (for informal or draft communications, please label "PROPOSED"

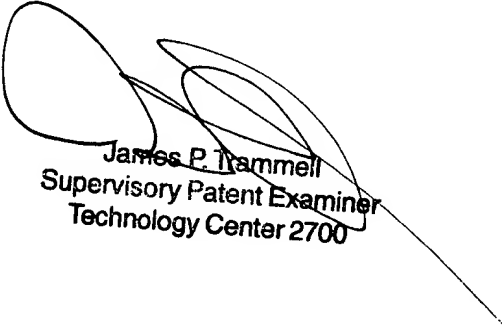
OR "DRAFT")

Examiner

Yehdega Retta

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August 31, 1999



James P. Trammell
Supervisory Patent Examiner
Technology Center 2700